

## REMARKS

Claims 41-46 are pending in the application. The applicants have requested that the Patent Office recognize of the change of inventorship. The fee for the Amendment of inventorship is enclosed herewith.

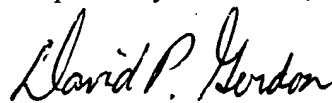
On July 12, 2005, the undersigned spoke to the Examiner regarding the obviousness rejection of claims 41-46. In particular, the question of motivation to combine references was discussed. The undersigned pointed out to the Examiner that the main reference (Biegeleisen) was not properly combinable with a secondary reference (Branco), because Branco specifically refers to Biegeleisen and teaches away therefrom. In particular Branco teaches that it is not desirable to leave a treated vein such as taught by Biegeleisen in place, and teaches that, instead, the vein should be ripped out (i.e., stripped). Likewise, it was pointed out that other secondary references were directed to treatment of arteries (e.g., Kokish and Knoring), and yet other secondary references were directed to the use of RF electrodes in order to treat veins. During the July 12, 2005 conversation the possibility of amending claim 41 to suggest destruction of the treated vein was discussed as further distinguishing over the arterial art, as the purpose of the arterial references was to treat the artery and not destroy it.

After the July 12, 2005 conversation, the Examiner updated his search and verbally cited several additional patents. The applicant respectfully requests that the Examiner make these patents of record in the case.

In a subsequent telephone interview of today's date (July 25, 2005), it was agreed that the Examiner would allow the case if claim 41 was amended to recite that the sclerosing agent was being used to treat a portion of the vein proximal the occlusion element (balloon) such that the treated portion of the vein proximal of the occlusion element is destroyed. The purpose of the above amendment is to place the case in condition for allowance as agree to by the Examiner. The Examiner indicated that claim 41 sets forth a new use for an old product, which pursuant to the patent laws is allowable as a method claim if it meets the other criteria of novelty and non-obviousness which the Examiner has agreed that it does.

In light of all of the above, it is submitted that the claims are in order for allowance, and prompt allowance is earnestly requested. Should any issues remain outstanding, the Examiner is invited to call the undersigned attorney of record so that the case may proceed expeditiously to allowance.

Respectfully submitted,



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